

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Omar Gadsden,	)	
	)	
Petitioner,	)	
	)	Civil Action No. 0:23-cv-2065-BHH
v.	)	
	)	<b><u>ORDER</u></b>
Warden Joseph,	)	
	)	
Respondent.	)	
_____	)	

This matter is before the Court upon Petitioner Omar Gadsden's ("Plaintiff") pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On August 4, 2023, Respondent filed a motion to dismiss, or in the alternative, for summary judgment. (ECF No. 13.) In accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary determinations.

After considering the parties' arguments and reviewing the evidence of record in light of the applicable law, the Magistrate Judge issued a report and recommendation ("Report") on October 27, 2023, recommending that the Court grant Respondent's motion for summary judgment. In summary, the Magistrate Judge found no merit to Petitioner's claim that the Bureau of Prisons is misapplying the First Step Act by not applying his earned time credit based on his medium risk assessment. Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court

is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no party has filed objections to the Report, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and fully agrees with the Magistrate Judge’s analysis. Accordingly, the Court **adopts and incorporates** the Magistrate Judge’s Report (ECF No. 19), and for the specific reasons set forth in the Report, the Court **grants** Respondent’s motion for summary judgment (ECF No. 13) and denies Petitioner’s § 2241 petition.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
United States District Judge

November 17, 2023  
Charleston, South Carolina